

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Bricklayers and Allied Craftworkers  
Service Corporation, a Minnesota  
Nonprofit corporation,

Plaintiff,

v.

**ORDER**

Civil No. 19-2588 (MJD/ECW)

Archithority United LLC, a  
Minnesota Limited Liability  
Company, and Elena F.  
Kotowski, individually,

Defendants.

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Thomas C. Atmore, Leonard O'Brien, Spencer, Gale & Sayre, Ltd., Counsel  
for Plaintiff.

Brian N. Niemczyk and Vadim Trifel, Hellmuth & Johnson, Counsel for  
Defendant.

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This matter is before the Court on the Report and Recommendation by  
United States Magistrate Judge Elizabeth Cowan Wright dated November 3, 2020  
(Doc. No. 58) recommending that Plaintiff's motion for finding civil contempt  
(Doc. No. 24) be granted and Defendant Archithority United, LLC's motion for  
extension of time to comply with the Court's February 20, 2020 Order (Doc. No.  
45) be denied. No objections have been filed in the time allowed.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, and in consideration of the applicable law, the Court will adopt the Report and Recommendation's Findings of Fact and Conclusions of Law, and hereby orders the following.

**IT IS ORDERED:**

1. The Report and Recommendation dated November 3, 2020 [Doc. No. 58] is **ADOPTED**; and
2. Plaintiff Bricklayers and Allied Craftworkers Service Corporation's Motion for Finding of Civil Contempt (Doc. No. 24) against Defendants Archithority United LLC and Elena F. Kotowski is **GRANTED**;
3. Defendants Archithority United, LLC and Elena F. Kotowski, jointly and severally, are held in contempt of Court for having failed to obey the Court's February 20, 2020 Findings of Fact, Conclusions of Law and Order for Judgment (Doc. No. 22);
4. Defendants Archithority United, LLC and Elena F. Kotowski, jointly and severally, shall pay a fine of \$100 per day until they have complied with the

Court's February 20, 2020 Findings of Fact, Conclusions of Law and Order for Judgment;

5. If Defendants Archithority United, LLC and Elena F. Kotowski have not complied with the Court's February 20, 2020 Findings of Fact, Conclusions of Law and Order for Judgment within fourteen (14) days from the date of this Order, the Court will issue a Show Cause Order as to why Elena F. Kotowski should not be committed to confinement until compliance with the Court's February 20, 2020 Order has been met;

6. Plaintiff Bricklayers and Allied Craftworkers Service Corporation shall file an affidavit addressing whether Defendants Archithority United, LLC and Elena F. Kotowski have complied with the Court's February 20, 2020 Findings of Fact, Conclusions of Law and Order for Judgment no later than seven (7) days after the conclusion of the 14-day period described in paragraph 5 above;

7. Defendants Archithority United, LLC and Elena F. Kotowski, jointly and severally, shall pay a compensatory financial sanction to Plaintiff Bricklayers and Allied Craftworkers Service Corporation, representing Plaintiff's reasonable attorneys' fees and costs incurred in seeking compliance with the Court's

February 20, 2020 Findings of Fact, Conclusions of Law and Order for Judgment, including those incurred in connection with bringing the Motion for Finding of Civil Contempt and Plaintiff's October 23, 2020 supplemental briefing;

8. Plaintiff Bricklayers and Allied Craftworkers Service Corporation be ordered to submit an updated affidavit regarding its attorneys' fees and costs within seven (7) days of this Order and that Defendant Archithority United, LLC and Elena F. Kotowski shall have seven (7) days to file any objections as to the attorneys' fees and costs sought by Plaintiff; and

9. Defendant Archithority United, LLC's Motion for Extension of Time to Comply with the Court's February 20, 2020 Findings of Fact, Conclusions of Law and Order for Judgment (Doc. No. 45) is **DENIED**.

DATED: November 25, 2020

s/ Michael J. Davis

Michael J. Davis

United States District Court